

ESTTA Tracking number: **ESTTA328134**

Filing date: **01/22/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051847
Party	Defendant Baney Corporation
Correspondence Address	Baney Corporation 1550 NE Williamson Blvd. Bend, OR 97701 UNITED STATES
Submission	Answer
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Date	01/22/2010
Attachments	Answer OXFORD Petition to Cancel _92051847_.pdf (6 pages)(46137 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Trademarks: OXFORD SUITES
OXFORD INN & SUITES
OXFORD HOTELS

OXFORD 2005 HOLDINGS, LLC)
)
Petitioner,)
)
v.)
)
BANEY CORPORATION)
)
Registrant.)

Cancellation No. 92051847
Registration Nos. 3076619, 3076626 and
3600199

ANSWER TO PETITION FOR CANCELLATION

Registrant, Baney Corporation (“Registrant”), by and through its undersigned attorney of record Answers the Petition for Cancellation filed by Oxford 2005 Holdings, LLC (“Petitioner”), as follows:

First Unnumbered Paragraph: Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in the First Unnumbered Paragraph of the Petition for Cancellation and on that basis denies same with the exception that Registrant admits it owns Registration Nos. 3076619, 3076626 and 3600199; however, Registrant denies its mailing address is 1550 NE Williamson Boulevard, Bend, Oregon 97701 and admits that its address of record is 475 NE Bellevue Drive, Suite 210, Bend Oregon 97701 and its change of correspondence was duly filed with the U.S. Patent and Trademark Office on April 27, 2009.

1. Registrant admits that Petitioner purportedly filed an application to register the mark THE OXFORD HOTEL for “hotel services” in Class 43 on August 29, 2008 which was assigned Serial No. 77/558,889, however Registrant lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegation in Paragraph 1 of the Petition for Cancellation, and on that basis denies the remaining allegation in Paragraph 1.

2. Registrant admits that Petitioner purportedly filed an application to register the mark THE OXFORD HOTEL & DESIGN for “hotel services” in Class 43 on September 3, 2008 which was assigned Serial No. 77/561,757, however Registrant lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegation in Paragraph 2 of the Petition for Cancellation, and on that basis denies the remaining allegation in Paragraph 2.

3. Registrant acknowledges the defined term set forth in Paragraph 3 of the Petition for Cancellation.

4. Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 4 of the Petition for Cancellation, and on that basis denies the allegations in Paragraph 4.

5. Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 5 of the Petition for Cancellation, and on that basis denies the allegations in Paragraph 5.

6. Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 6 of the Petition for Cancellation, and on that basis denies the allegations in Paragraph 6.

7. Registrant admits the allegation in Paragraph 7 of the Petition for Cancellation.

8. Registrant admits the allegation in Paragraph 8 of the Petition for Cancellation.

9. Registrant admits the allegation in Paragraph 9 of the Petition for Cancellation.

10. Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegation in Paragraph 10 of the Petition for Cancellation, and on that basis denies the allegation in Paragraph 10.

11. Registrant lacks sufficient information or knowledge to form a belief as to the truth of the allegation in Paragraph 11 of the Petition for Cancellation, and on that basis denies the allegation in Paragraph 11.

12. Registrant denies the allegations in Paragraph 12 of the Petition for Cancellation.

13. Registrant denies the allegation in Paragraph 13 of the Petition for Cancellation.

14. Registrant denies the allegations in Paragraph 14 of the Petition for Cancellation.

15. Registrant denies the allegations in Paragraph 15 of the Petition for Cancellation.

AFFIRMATIVE DEFENSES

In further answer to the Petition for Cancellation, and without any waiver of any objection or any admission of the sufficiency of the Petition for Cancellation, Applicant asserts upon information and belief that:

FIRST AFFIRMATIVE DEFENSE

1. Petitioner's Petition for Cancellation fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the petition for cancellation.

SECOND AFFIRMATIVE DEFENSE

2. Petitioner's claims are barred by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

3. Registrant's marks, when used in connection with Registrant's services are not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Registrant with Petitioner, or as to the origin, sponsorship, or approval of Registrant's services by Petitioner.

FOURH AFFIRMATIVE DEFENSE

4. Registrant's marks when used in connection with Registrant's services are not likely to cause confusion with Petitioner's Marks because of the distinct and limited geographic use of Petitioner's Marks.

FIFTH AFFIRMATIVE DEFENSE

5. Petitioner's Marks are not famous and therefore no dilution can be claimed pursuant to Section 43(c) (1) of the Trademark Act.

SIXTH AFFIRMATIVE DEFENSE

6. Registrant reserves the right to add additional affirmative defenses as they are revealed through discovery.

WHEREFORE, Registrant respectfully demands that the Trademark Trial and Appeal Board enter judgment against Petitioner on all claims set forth in the Petition for Cancellation, and award Registrant all relief that the Board deems just and proper.

Dated this 22nd day of January, 2010.

Respectfully submitted,



By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the Answer to the Petition for Cancellation was served on opposing counsel by depositing such copy with United States Postal Service on January 22, 2010 by first class postage prepaid mail addressed to:

Ellen Reilly
The Reilly Intellectual Property Law Firm, P.C.
1325 East 16th Avenue
Denver, CO 80218



Susan Daly Stearns
Attorney for Registrant

Dated: January 22, 2010
 Bend, OR